



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

and trouble with a simplicity of statement and clearness of argument that fills us with wonder and admiration. We feel our own powers stretching as they seek to enfold the mentality which inspired and bore the burden of the work. And as understanding comes, the mastery of the workmanship, simple and unorthodox perhaps, but without craft, startles us as we turn from page to page.

The essays are not new and it seems hardly appropriate to enter into a discussion of them. Many of them have long been tested, and are now fully accepted. In not a few cases the principles contended for have been sanctioned by judicial opinion, based largely, if not entirely, upon the arguments by which they are here supported. The volume is a valuable possession; one that will always improve upon further acquaintance; suggestive and illuminating always; a mental stimulant.

R. J. B.

MISHNAH: A DIGEST OF THE BASIC PRINCIPLES OF THE EARLY JEWISH JURISPRUDENCE, *BABA MEZIAH* (MIDDLE GATE), ORDER IV, TREATISE II. Translated and annotated by Hyman E. Goldin, LL.B., of the New York Bar. Putnam's (N. Y. and London), 1913.

The compilers of the Talmud during the fifth century, in systematizing the enormous mass of Jewish common law, followed the arrangement of the Mishnah in their division of the subject matter. The Mishnah was an attempt at codification, completed under Rabbi Judah, the Prince, a distinguished descendant of the great master of the law, Hillel, at the end of the second century. The code was arranged under six divisions or "Orders," which were named Seeds, Festivals, Women, Injuries, Holy Things, Purifications. Under these six heads, the compiler disposed of the entire body of the law; civil, criminal, ecclesiastical and religious.

The fourth order, Injuries, is divided into ten treatises: (1) "The first gate," dealing chiefly with the subject of torts; (2) "The middle gate," dealing principally with bailments; (3) "The last gate," dealing principally with sale, contract, real estate and decedent's estates; (4) "Courts," dealing principally with organization and procedure of courts, and criminal law; (5) "Punishment"; (6) "Oaths"; (7) "Evidence"; (8) "Idolatry"; (9) The "Chapters of the Fathers," containing ethical maxims; (10) "Decisions," dealing principally with decisions either in civil or religious matters, that had been made through error. It is obvious that this arrangement of subject matter follows a different principle than the modern law codes. A broad distinction between the civil, criminal and ecclesiastical law is made, but the lines of demarcation are not sharply drawn.

The rabbinical lawyers followed a logic of their own, and, within the limits of the rules that they laid down for themselves, they developed a juristic system of extraordinary scope and thoroughness. It is to one of the treatises of the fourth order of the Mishnah to which attention is now directed. Mr. Goldin has undertaken to translate and annotate the treatise entitled "*Baba Mezhiah*" or "Middle Gate," one of the treatises of the order "*Nezikin*" or "Injuries." In looking over his book we are at once struck by the peculiar arrangement and sequence of the subject matter, differing in this treatise, as in the arrangement of the Mishnah as a whole, from modern systems with which we are more familiar. The subject matter is broadly divided under the following titles: Articles, lost and found; Bailment; Bargain and Sale; Interest; Contracts of Hire and Lease; and the law relating to adjoining properties. The underlying principle in this division of the subject matter is the doctrine of bailment, the determination of rights in relation to property which has passed into the possession of another, under an expressed or implied contract other than that of sale or gift, or by inheritance. The reader of Mr. Goldin's book having this principle in mind will be able to observe the logical sequence in the development of the subject matter.

The original text of the Mishnah is written in what may be called Neo-Hebrew. It is different from the Biblical Hebrew and was the language spoken by the people in Palestine as late as the second century and thereafter especially cultivated by scholars, and was enriched by adaptations from Aramaic, Greek, Latin and other tongues. There have been many translations of the Mishnah as well as of the Talmud, from the beginning of the eighteenth century, when a Latin translation of the Mishnah appeared by Surenhusius to the latest and most important attempt to translate the entire Talmud, that of Lazarus Goldschmidt, whose work has been in process of publication since 1897. Mr. Goldin's translation indicates a desire on the part of the author to reproduce as closely as possible the idiomatic value of the Mishnic technical terminology. His notes, which are based upon the Talmudic discussions and later commentaries and codifiers, constitute a very important part of his book, for without them, it is doubtful whether the reader could grasp the meaning of the text.

Studies in the field of Jewish law have found new votaries; but I note in the last four or five volumes of the *Zeitschrift für vergleichende Rechtswissenschaft* several articles indicating that German legal scholarship is beginning to occupy itself with this long neglected field of jurisprudence. It would be desirable indeed if among the many American lawyers who have had some training in Biblical and post-Biblical Hebrew and who are not entirely unfamiliar with the Aramaic idiom of the Talmud, there should be a few to devote themselves to the study of Jewish jurisprudence. Unfortunately this field, the cultivation of which would richly reward the scholarly lawyer, has been practically abandoned to the theologian and the pseudo-scientific student of Jewish, so called, "race characteristics." Would that the American lawyer might contribute toward the attempt, now being seriously made, to lift the entire subject of Jewish jurisprudence out of the field of polemics into the higher region of pure scholarship.

Mr. Goldin is to be commended for his work undertaken in the proper spirit and offered, let us hope, as an indication of his future labors in the same field.

The book is well printed and is to be recommended to all those who are interested in Jewish Law and comparative jurisprudence.

D. W. A.

THE LAWYER IN LITERATURE. By Hon. John Marshall Gest. Boston: Boston Book Company, 1913.

Five of the seven lectures in this collection have appeared at various times in the University of Pennsylvania Law Review. We greet with pleasure these cheerful fireside companions, with their fund of witty anecdote and apt allusion. Judge Gest, though an omnivorous reader, is an appreciative and discriminating one; he sees in the characters that troop through the pages of Dickens, Scott and Balzac not flat shadows thrown for a few moments upon a screen, but living, breathing men and women who have a world about them into which they fit. Any of us can read a novel and visualize the people and the incidents of the story, but not all of us can appreciate the historical background of the novelist himself, out of which he steps forward to address us. "Looking up the references" used to be half the fun of reading Cicero and Virgil, but there are no classical dictionaries to pilot one through the channels of literature more nearly contemporary. Here we have a guide, masking his thorough knowledge behind delightful informality, who leads us not only along the main currents, but off into the quiet waters that are all the more attractive because they are seldom seen.

Perhaps, as Professor Wigmore suggests in an introduction, Judge Gest's little book will be useful to students of law by referring them to stories in